

STATE OF CONNECTICUT
OFFICE OF THE CHILD ADVOCATE
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TESTIMONY FROM THE OFFICE OF THE CHILD ADVOCATE
TO THE EDUCATION COMMITTEE, February 22, 2023

Chairman Currey and Chairman McCrory, Representative McCarty, Representative Berthel, and other members of the Education and Appropriations Committees, this testimony is being submitted on behalf of the Office of the Child Advocate (“OCA”), an independent state oversight agency. The obligations of the OCA are to review, investigate, and make recommendations regarding how our publicly funded state and local systems meet the needs of vulnerable children.

(ED) 2. H.B. No. 6663 (COMM) AN ACT ESTABLISHING THE ENGLISH LEARNERS’ BILL OF RIGHTS. (ED)

OCA supports this bill which calls for an English Learners’ Bill of Rights. As I know the Committee is aware, several federal laws, including Title IV of the Civil Rights Act of 1964 (Title IV) the Equal Educational Opportunities Act of 1974 (EEOC) and the Individuals with Disabilities Education Act (IDEA) implicate students’ and families’ rights to education and communication about education to be accessible to the child and family regardless of language barriers.

OCA has multiple systemic reviews underway in response to individual complaints made to this office regarding a child or family’s inability to access information about the child’s education due to language barriers.

Intake. 6-year-old child diagnosed with Autism, attends a public school district. Mother’s primary language is Spanish. According to the caller, when the child was in kindergarten all of his special education services and accommodations were removed and for the past year (1st grade) he has been in a regular education system. According to mother he is doing very poorly in school. Recently he arrived home with a wet and tattered shirt. When asked by Mother, he said he was hungry and ate bits of his shirt. The child has in home services and the family was referred to OCA by service providers. Most of the child’s education has been either remote or hybrid. He received limited overall school-based services. His education plan indicated that Mother agreed to remove her son from special education. Mother reported to OCA that she did not agree to have services removed from her son and that she did not understand the processes in place.

Intake. Concern received regarding 15-year-old with Autism and limited communication. Parents are concerned that they are not receiving the child's educational plans and related documents, including evaluations, assessments, and data reports regarding his behaviors or other school-based incidents, in Spanish. OCA learned that he parents were provided educational documents only hours prior to the child's PPT and that the documents were not translated. OCA's discussions with the school district stated that they would remedy the concerns. District acknowledged that they do not have Spanish speaking staff covering all schools. Subsequent PPTs included information for the parent in their primary language.

In response to the concerns raised by individual complaints, OCA launched two systemic reviews, both pending, requesting relevant information from the school districts regarding their policies and protocols for communicating with Limited English Proficient Families and English Language Learners.

OCA notes that districts in Connecticut may be found in violation of federal civil rights laws when they fail to ensure that Limited English Proficiency (LEP) parents have comparable access to information that is provided to non LEP parents in English. As the United States Department of Education Office for Civil Rights stated in a 2016 resolution agreement with East Hartford Public Schools:

Title VI requires districts to address language barriers and prohibits discrimination based on national origin in education programs and activities receiving federal financial assistance.

More specifically, the Title VI implementing regulation at 34 C.F.R. § 100.3(b)(1) prohibits a recipient from discriminating against any person on the basis of race, color, or national origin by providing different services or benefits or by providing services or benefits in a different manner from those provided to others in similar circumstances.

In *Lau v. Nichols*, 414 U.S. 563 (1974), the Supreme Court determined that where the inability to speak and understand the English language excludes national origin minority students from effective participation in educational programs, districts must take affirmative steps to ensure that such English learner students (EL students) can meaningfully participate in the district's educational programs and services in order to comply with Title VI.

During its compliance review launched in 2015, OCR examined the district's enrollment and registration policies, procedures, and practices to determine whether LEP parents and guardians received similar access to information as compared to non-LEP parents and guardians, and whether the district discriminated against national origin minority students.

OCR determined that the district violated Title VI by not providing adequate language services to LEP parents and guardians. OCR's findings include the following:

- The district told LEP parents and guardians to provide their own interpreters to register students.
- The district did not properly assess whether LEP parents and guardians required language services.

- The district failed to provide any training to its staff serving as interpreters, including responsibilities regarding confidentiality and use of specialized terms.
- The district translated fewer than half of its registration and enrollment documents into Spanish, the highest incidence language for LEP parents and guardians.
- The district failed to provide any written instructions regarding obtaining oral translation of registration and enrollment documents for LEP parents and guardians who speak languages other than Spanish.

OCR also found that the district violated Title VI by treating students differently in the enrollment and registration process based on their national origin by impermissibly requiring or requesting information or documentation, such as passports and social security cards, from students based on national origin, particularly based on language, or a belief that they were born outside of the U.S., while not making similar requests of other students.

Taking a comprehensive approach to address these violations, along with related matters, East Hartford Public Schools agreed to take actions under the resolution agreement to remedy Title VI violations, including, but not limited to, the following:

- Revising its registration and enrollment policies, procedures, and practices to comply with Title VI.
- Providing appropriate, qualified, and competent interpreters and translations during the enrollment and registration process.
- Issuing a “Notice of Language Assistance” in the district’s 10 most commonly spoken languages about the district’s free translation and interpreter services.
- Requesting only permissible material and information from all students registering and enrolling in the district.

A copy of the [resolution agreement is available here](#), and the [resolution letter is available here](#). In 2011 and 2014, the Departments of Justice and Education [issued guidance](#) to help schools understand their responsibilities under the Supreme Court's decision in Plyler v. Doe and federal civil rights laws to provide all children with equal access to an education regardless of their or their parents' immigration status.

Respectfully offered,

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